

Remarks

The Final Office Action dated 12/4/02 has been reviewed. The foregoing amendments are submitted to more particular point out applicant's invention and add no new subject matter. Specifically, the claims were amended to more particularly describe how the cover directs contact forces onto the non-integral support surfaces upon which the bank terminal rests. Support for the amendments are found in the specification and the drawings. The claim amendments are submitted now in an attempt to avoid the necessity of an appeal. Attached are marked up copies of the changes made and unmarked clean copies of the corrected pages.

The rejection of Claims 1 through 8, as amended, on the grounds of obviousness under 35 USC 103(a) as being unpatentable over *Eppich* (US 4,084,214) is again traversed. Claim 1, as twice amended, of applicant's invention is directed to a non-integral cover independent of and surrounding a bank card terminal. It is designed to contact and be supported by a non-integral support surface. Applicant's invention is a crush resistant cover with a closed top and extending sides defining an open bottom, which extends about and provides a barrier to protect bankcard terminals from falling objects, liquids, dust, and grease. The closed top and extended sides are structured to contact the non-integral support surface upon which the pervious bankcard terminal is placed. These extended sides include at least one slot through which power cords or leads may pass. They then absorb and direct the force of objects accidentally dropped onto the crush resistant cover to the support surface. The invention provides a protective surrounding independent housing surrounding the bankcard terminal itself to protect it from contact damage, which insures that the electrical components of the bankcard terminal are not affected. No similar force diverting structure is found in *Eppich*.

Conversely, *Eppich* discloses a dust cover, which is preferably constructed of a polycarbonate material, which permits the component parts to be modularly interlocked with one another to effectively form a single housing unit (Col 11, lines 1-8). It thus has a dust cover, which is mounted on the integral part of its modular container into which the electronic components are sealed. One of its objectives is "to provide a rugged modular housing unit for protecting the electronic circuitry contained therein when the unit is utilized in a variety of different environments." Col. 2 lines 50-53. *Eppich* accomplishes this objective with a modular impervious housing container for electronic

apparatuses, which do not necessarily require an external independent dust cover. *Eppich* is comprised of a closed bottom impervious container base with an open top into which various electronic components are inserted and interconnected. These electronic components are sealed within the impervious container base and covered with a keyboard top. The keyboard top may be covered with a dust proof hinged top fitting within a groove along the top of the keyboard top. Therefore, *Eppich* discloses a modular case for electronic apparatus, which optionally discloses a hinged cover.

The *Eppich* dust cover does not shield the electronic device itself from the shock forces of objects dropped onto it. The shock of objects dropped on the *Eppich* dust cover is directed upon the keyboard top, which receives the shocks. This can cause cracking or distortion of the bottom container, which may affect the electrical component alignment. Therefore, nothing in *Eppich* suggests its modification to provide an independent bankcard terminal cover forming an independent protective barrier shield to prevent blows from damaging the electrical components of the bank card terminal. Nor does *Eppich* direct liquids and dust away from the electronic device onto the non-integral support surface. Indeed, fluids may accumulate into the grooves of the keyboard top into which the *Eppich* dust cover fits. The rejection of Claim 1 is therefore improper and should be withdrawn.

Nor does the *Eppich* Fig. 16 hinged dust cover embodiment disclose applicant's hinged embodiment of Claim 2, as amended. The *Eppich* Fig. 16 fails to suggest the embodiment of applicant's invention in the same manner, the same way, with the same components to be considered an equivalent embodiment. The rejections of Claim 2 should therefore be withdrawn.

As *Eppich* does not contain a handle affixed to the cover, which is supported by the non-integral support surface, it does not disclose applicant's embodiment of Claim 3, and this rejection should also be withdrawn.

Although *Eppich* suggests a transparent cover, it does not suggest a cover supported by the non-integral support surface. It therefore does not disclose applicant's embodiment of Claim 4, and the rejection should be withdrawn.

Nor does *Eppich* suggest a shock absorbing seal affixed to the open bottom of the cover side walls as it does not contact a non-integral support surface. It therefore does not disclose applicant's embodiment of Claim 5 and the rejection should be withdrawn.

As Eppich discloses a dust cover integral to the container holding a device's electronic components, it does not suggest the non-integral barrier container embodiments of Claim 6 and 7. The rejection of Claims 6 and 7 should therefore be withdrawn.

Nor does Eppich address the terminal cover embodiment of Claim 8, twice amended, mounted on a vertical non-integral support surface independent of the bank card terminals and cover. To supply this deficiency, the Examiner has combined the Eckel et al, U.S. Patent No. 4,727,934 reference with Eppich even though nothing in the references themselves suggest combining them.

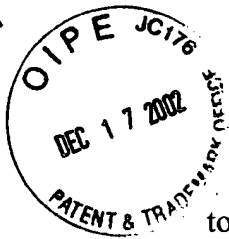
"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." §2143 MPEP

"Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 USPQ 2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)

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The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir.1990) §2143.01 MPEP

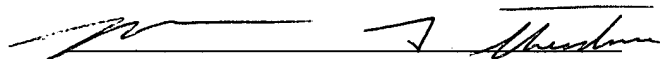
Without some suggestion in the references themselves to combine them in the manner suggested by the examiner, the combination was improper to reject the twice amended Claim 8 embodiment. Further, although the Eckel et al component container may be mounted to a wall, it does not direct the shock from blows to the case away onto a non-integral vertical support surface to prevent damage to the electrical components. Therefore, nothing Eppich or Eckel et al suggests applicant's invention of Claim 8, twice amended, and the rejection should be withdrawn.



Nor has the Examiner identified the level of ordinary skill in the arts for applicant to respond thereto, or where those features are located to support the resultant combination used to reject Claims 1 through 8, twice amended.

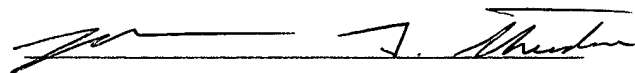
In summary, the *Eppich* disclosure does not suggest applicant's invention, which essentially provides a crush resistant, independent protective liquid and dust pervious barrier surrounding bankcard terminal. *Eckel et al* fails to provide any of the deficiencies with the *Eppich* reference pointed out above. Therefore, claims 1 through 8, twice amended, should be passed for allowance. If additional amendments are required, a telephone conference with the Examiner is requested.

Dated this 12th day of December 2002.


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CERTIFICATE OF MAILING

I certify that I facsimile transferred to 703-308-~~7722~~²³⁸² and mailed a true and correct copy of the Foregoing Second Amendment to the Commissioner of Patents, Washington, D.C. 20231, postage prepaid, this 12th day of December 2002.





Marked Up Claims

1. (Twice Amended) A bank card terminal cover for bank card terminals having exterior exposed card reading slots and keyboards pervious to liquids, grease, and dust, the terminal placed on a non-integral separate support surface independent of the bank card terminal and cover, said cover comprising: a rigid, crush resistant, liquid, dust, and grease impervious top with sidewalls defining an open bottom leading into an interior chamber sized to fit about and [cover] surround the exposed portions of the bank card terminal when placed on the non-integral separate support surface; said side walls extending sufficiently about the bank card terminal to make contact with and be supported by the non-integral separate support surface to elevate the top and side walls of the cover above and around the bank card terminal whereby said cover forms a protective barrier about the bank card terminal with its cover sidewalls in contact with and supported by the non-integral separate support surface to direct the force from blows to the cover onto the non-integral support surface, while protecting the exposed portions bank card terminal from contact with liquids, dust, grease, and falling objects [by directing them away from the bank card terminal onto the non-integral separate support surface], and defining at least one opening through which a terminal cord may be inserted and connected to the bank card terminal.

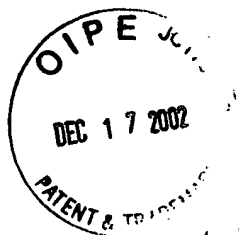
Amend Claim 8 to read:

8. (Twice Amended) A bank card terminal cover for bank card terminals mounted on a vertical non-integral support surface independent of the bank card terminals and cover, the terminals having card reading slots and keyboards pervious to liquids, grease, and dust comprising:

- d. a transparent rigid, crush resistant, liquid, dust, and grease impervious top with sidewalls defining an open bottom leading into an interior sized to fit about and [cover] surround the exposed portions of the bank card terminal, when placed on the vertical non-integral support surface; said sidewalls extending sufficiently about the bank card terminal to make contact with and be extended by the vertical non-integral support surface to elevate the top and side walls of the cover above and around the

bank card terminal to protect the bank card terminal whereby said cover forms a protective barrier about the bank card terminal with its cover sidewalls in contact with and supported by the non-integral vertical support surface to direct the force from blows and accidental contact with the cover onto the non-integral vertical support surface, while protecting the exposed portions of the bank card terminal from contact with liquids, dust, grease, and falling objects [by directing them away from the bank card terminal onto the separate vertical non-integral support surface independent of the bank card terminal], and defining at least one opening through which a terminal cord may be inserted and connected to the bank card terminal,

- e. opening structure associated with the top of the bank card terminal and terminal cover to provide access to the bank card terminal keyboard and card reading slot in a first mode, and to close about and secure the bank card terminal in a second mode, and
- f. a shock absorbing seal affixed to the edges of the cover sidewalls to seal with the vertical non-integral support surface.



Unmarked Claims

1. (Twice Amended) A bank card terminal cover for bank card terminals having exterior exposed card reading slots and keyboards pervious to liquids, grease, and dust, the terminal placed on a non-integral separate support surface independent of the bank card terminal and cover, said cover comprising: a rigid, crush resistant, liquid, dust, and grease impervious top with sidewalls defining an open bottom leading into an interior chamber sized to fit about and surround the exposed portions of the bank card terminal when placed on the non-integral separate support surface; said side walls extending sufficiently about the bank card terminal to make contact with and be supported by the non-integral separate support surface to elevate the top and side walls of the cover above and around the bank card terminal whereby said cover forms a protective barrier about the bank card terminal with its cover sidewalls in contact with and supported by the non-integral separate support surface to direct the force from blows to the cover onto the non-integral support surface, while protecting the exposed portions bank card terminal from contact with liquids, dust, grease, and falling objects, and defining at least one opening through which a terminal cord may be inserted and connected to the bank card terminal.

Amend Claim 8 to read:

8. (Twice Amended) A bank card terminal cover for bank card terminals mounted on a vertical non-integral support surface independent of the bank card terminals and cover, the terminals having card reading slots and keyboards pervious to liquids, grease, and dust comprising:

- d. a transparent rigid, crush resistant, liquid, dust, and grease impervious top with sidewalls defining an open bottom leading into an interior sized to fit about and surround the exposed portions of the bank card terminal, when placed on the vertical non-integral support surface; said sidewalls extending sufficiently about the bank card terminal to make contact with and be extended by the vertical non-integral support surface to elevate the top and side walls of the cover above and around the bank card terminal to protect the bank card terminal whereby said cover forms a protective barrier about the bank card terminal with its cover sidewalls in contact with and

supported by the non-integral vertical support surface to direct the force from blows and accidental contact with the cover onto the non-integral vertical support surface, while protecting the exposed portions of the bank card terminal from contact with liquids, dust, grease, and falling objects, and defining at least one opening through which a terminal cord may be inserted and connected to the bank card terminal,

- e. opening structure associated with the top of the bank card terminal and terminal cover to provide access to the bank card terminal keyboard and card reading slot in a first mode, and to close about and secure the bank card terminal in a second mode, and
- f. a shock absorbing seal affixed to the edges of the cover sidewalls to seal with the vertical non-integral support surface.